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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,131	06/20/2001	F. David Stallworth	BS00-052	2467
38516	7590	01/11/2006	EXAMINER LAYE, JADE O	
SCOTT P. ZIMMERMAN, PLLC PO BOX 3822 CARY, NC 27519			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,131

Applicant(s)

STALLWORTH, F. DAVID

Examiner

Jade O. Laye

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
4a) Of the above claim(s) 30-43 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-29 and 44-48 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

I. Applicant's amendments, dated 12/7/05, have been entered and made of record. Due to the newly applied grounds of rejection, which were necessitated by Applicant's amendments, **THIS ACTION IS MADE FINAL.**

II. Due to Applicant's amended Specification and Claims, the Objections applied in the previous action are hereby withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

III. Claims 1-25, 27-29, and 44-48 are rejected under 35 U.S.C. 102(b) as being anticipated by *Schein et al.* (US Pat. No. 6,002,394).

As to Claim 1, *Schein et al* disclose a multimedia broadcasting system in which a user is provided a full schedule of programming based upon a specified geographic location. (Abstract;

Col. 2, Ln. 20-Col. 3, Ln. 20; Col. 16, Ln. 15-41; Col. 18, Ln. 20-43; Col. 19, Ln. 1-18). Considering this teaching, it is inherent some entity produce said programming related to said geographic location and that said entity be located in some geographic region. Accordingly, *Schein et al* anticipate each and every limitation of Claim 1.

Claims 11, 12, 16, 18, and 19 correspond to the language of Claim 1. Moreover, the limitations of Claims 6, 13, 21, 22, 25, 45, and 46 are encompassed within the rejection of Claim 1 because *Schein's* system allows a user to specify a city, region, country, etc., by which to receive programming. (Col. 19, Ln. 1-18). A city, country, or region encompasses a coastal, mountain, or desert terrain. Also, the entity which produces said content can be located anywhere in the world, including a coastal terrain as recited in Claim 22. Thus, each is analyzed and rejected as previously discussed.

As to Claim 2, *Schein* further teaches the multimedia data can be accessed from anywhere in the world. (Col. 19, Ln. 1-18). Moreover, it is inherent some entity produce the media content. Accordingly, *Schein et al* anticipate each and every limitation of Claim 2.

Claim 20 corresponds to Claim 2. Thus, it is analyze and rejected as previously discussed.

As to Claim 3, *Schein* further teaches the media programming can be provided via a cable or satellite communications link. (Col. 5, Ln. 52-Col. 6, Ln. 10). Accordingly, *Schein et al* anticipate each and every limitation of Claim 3.

As to Claim 4, *Schein* further teaches the multimedia data can be accessed from anywhere in the world. (Col. 19, Ln. 1-18). Accordingly, *Schein et al* anticipate each and every limitation of Claim 4.

The limitations of Claim 5 are encompassed within the limitations Claim 3. Accordingly, *Schein et al* anticipate each and every limitation of Claim 5.

Claim 23 corresponds to Claim 5. Thus, it is analyzed and rejected as previously discussed.

As to Claim 7, *Schein* further teaches the system is capable of providing related additional multimedia data. (citations of Claim 1 and Col. 14, Ln. 33-Col. 15, Ln. 42). Accordingly, *Schein et al* anticipate each and every limitation of Claim 7.

As to Claim 8, *Schein* further teaches the system provides audio content and that said content can be provided via the World Wide Web. (Col. 12, Ln. 16-26; Col. 17, Ln. 35-62). Accordingly, *Schein et al* anticipate each and every limitation of Claim 8.

Claims 14 and 47 correspond to Claim 8. Thus, each is analyzed and rejected as previously discussed.

The limitations of Claim 9 are encompassed within the limitations of Claims 1 and 3. Thus, it is analyzed and rejected as discussed therein.

Claims 15 and 24 correspond to Claim 9. Thus, each is analyzed and rejected as previously discussed.

The limitations of Claim 10 are encompassed within the limitations of Claims 1, 7, and 8. Thus, it is analyzed and rejected as discussed therein.

Claims 17, 28, and 29 are encompassed within the limitations of Claim 10. Thus, each is analyzed and rejected as previously discussed.

The limitations of Claim 27 are encompassed within the limitations of Claims 1, 8, and 10. Thus, it is analyzed and rejected as discussed therein.

As to Claim 44, *Schein* further teaches the user can initiate various activities related to the geographic programming. (Col. 14, Ln. 33-Col. 15, Ln. 42). The remainder of the limitations correspond to Claim 1. Accordingly, *Schein et al* anticipate each and every limitation of Claim 44.

As to Claim 48, *Schein* further teaches the user is allowed to purchase advertised products. (Col. 20, Ln. 29-56; Col. 22, Ln. 19-33). Accordingly, *Schein et al* anticipate each and every limitation of Claim 48.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

IV. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Schein et al*.

Claim 26 recites the system of Claim 22, wherein the content related to the coastal terrain comprises at least one of a marine news program, a coastal history program, a coastal real estate program, and a coastal seafood program. As discussed above, *Schein et al* anticipate each and every limitation of Claim 1, but fail to specifically disclose the exact type programming which could be provided. However, in light of *Schein*'s disclosure, any form of geographically specific programming would be obvious. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify the teaching of *Schein* in

order to provide marine related programming, thereby supplying a system which encompasses a wider variety of user interests.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. *Eyer et al* (US Pat. No. 5,982,411) disclose a system which transmits groups of programming channels.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (571) 272-7303. The examiner can normally be reached on Mon. 7:30am-4, Tues. 7:30-2, W-Fri. 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Jade O. Laye

Initials: JO
December 30, 2005.



VIVEK SRIVASTAVA
PRIMARY EXAMINER